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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,846	01/25/2002	Yasuo Ibuki	217501US3	7712

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

JONES, JUDSON

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,846

Applicant(s)

IBUKI ET AL.

Examiner

Judson H Jones

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-17, 20-23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 12-14, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0202.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the connection between the induction inclinometer and the controlling apparatus. The only reference to the induction inclinometer in the specification is in paragraph 0030 on page 16. The passage states, "Also, besides the sensor 6, an induction inclinometer or photo-sensor may be used." Photo-sensors are well known in the art for sensing position and the connections between an oscillator and a photo sensor would have been obvious to a person of ordinary skill in the art. However no oscillating systems have been found that use an inclinometer of either the inductive or non-inductive type. Applicant needs to explain how an inductive inclinometer would be used in the instant invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-11, 16, 17, 20, 21, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amaya et al. 5,955,799 A in view of Tanina 5,869,944 A. Amaya et al. discloses a controlling apparatus for controlling a linear oscillating motor having a movable element 2, a stator 3, a sensor 39 and a controller 5 but does not disclose supplying power to the winding before a dead center of the movable element. In column 6 lines 48-52 Amaya et al. states, "The control circuit 5 only permits the driving current to flow in a direction determined in accordance with the detected direction in which the reciprocator assembly 2 moves, in order to thereby prevent the driving current from braking the reciprocator assembly 2." Tanina teaches in column 15 lines 45-48, "For driving such iron-core motor (three-phase motor 1), the current supply is preferably advanced in phase to a slight extent for correcting the delay in the driving current due to coil inductance." Since Tanina and Amaya et al. are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have advanced the timing of the Amaya et al. device in order to correct for the delay in the driving current due to coil inductance. While this would brake the reciprocator assembly somewhat, there would be a trade off between a slight braking effect while the reciprocator assembly was finishing its stroke versus a much increased driving effect when the reciprocator assembly began its stroke.

In regard to claim 2, see Amaya et al. column 5 lines 37-41.

In regard to claim 3, see Amaya et al. column 5 line 24 to column 6 line 18 and column 6 lines 48-52. Amaya teaches here that two reference points can be detected. First is the point of

maximum velocity and second is the top dead center point. If one were to advance the timing of control pulse to slightly before top dead center, then it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized the point of maximum velocity as the reference timing point.

In regard to claims 4 and 5, see Amaya et al. column 6 line 48 to column 7 line 14.

In regard to claim 8, see Amaya et al. column 7 lines 60-67.

In regard to claim 9, see Amaya et al. column 6 lines 7-11.

In regard to claim 10, see Amaya et al. column 6 lines 6-18 and column 6 lines 52-58.

In regard to claim 11, see Amaya et al. column 5 lines 50-64.

In regard to claims 16 and 17, see Amaya et al. column 6 lines 19-29, which discloses the amplitude detection means. In the device of Amaya et al. as modified by Tanina, the controller is always is configured to supply power at a timing before the top dead center of the movable element. This type of operation meets Applicant's claim language of supplying power to the movable element at a time before the top dead center during a part of the operation of the oscillating device.

In regard to claim 20, see Amaya et al. column 6 lines 19-29.

In regard to claim 21, see Amaya et al. column 6 lines 19-29 and column 8 lines 55-67.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amaya et al. as modified by Tanina as applied to claims 5 and 11 above, and further in view of Dvorkis et al. 6,348,773 B1. Amaya et al. as modified by Tanina discloses the control apparatus but does not disclose the sensor comprising the drive winding. Dvorkis et al. teaches making the drive winding also serve as the sense means in column 14 lines 61-67. Since Dvorkis et al. and Amaya

et al. as modified by Tanina are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized the drive winding to also serve as the sense means in order to simplify the motor by reducing the number of parts and thus to reduce the cost of the motor.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amaya et al. as modified by Tanina as applied to claim 19 above, and further in view of Barkan 5,280,163 A. Amaya et al. as modified by Tanina discloses the controlling apparatus but does not disclose providing the movable element with force in only one direction. Barkan teaches in column 9 lines 20-31 for the purpose of driving the motor at its natural resonant frequency. Since Barkan and Amaya as modified by Tanina are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized a control means for driving the movable element in only one direction in order to make the motor more efficient as taught by Barkan in column 9 lines 32-35.

Allowable Subject Matter

Claims 24 and 28 are allowed.

Claims 12-14, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or teach a controlling apparatus where an induced voltage calculator is configured to calculate the induced voltage based on current and the voltage of the inducing device as recited in claims 12 and 13. The prior art of record does not disclose or teach an induced voltage calculator combined with a voltage normalizing device to normalize the calculated induced voltage further combined with a reference timing generator to generate a reference at which the normalized voltage is equal to a predetermined voltage as recited in claim 14. The prior art of record does not disclose or teach selecting a strong driving condition and then supplying power to a winding before the top dead center of the movable element as recited in claim 18. The prior art of record does not disclose or teach does not disclose first and second predetermined amplitudes where the second predetermined amplitude is less than the first predetermined amplitude and the controller is configured to supply maximum power to the winding when the amplitude of oscillation of the movable member is less than the second predetermined amplitude as recited in claim 19. The prior art of record does not disclose or teach a linear oscillation motor having an oscillation element configured to be moved reciprocally and linearly by rotation of a rotor combined with a sensor for detecting movement of the movable element and a controller configured to supply power to the winding before a dead center at which the rotor changes rotational direction as recited in claim 24.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Karcevsk 1,672,221 A discloses a rotor used to provide reciprocal linear motion as shown in figure 2 but does not disclose a sensor or control means responsive to a sensed position

Application/Control Number: 10/054,846
Art Unit: 2834

Page 7

of the movable member for supplying power to the winding before a top dead center of the rotor.
Japanese reference 56-060313 A discloses an inductive inclinometer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ *JHJ*
April 14, 2003

Dang Le

DANG LE
PRIMARY EXAMINER